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ACTION SCT-00

INFO	LOG-00	AID-00	A-00	CCO-00	CG-00	COME-00	CTME-00
	DODE-00	DOEE-00	DOTE-00	DS-00	EB-00	EUR-00	FAAE-00
	VC-00	TEDE-00	INR-00	INSE-00	L-00	CAC-00	VCE-00
	M-00	AC-00	NEA-00	NRC-00	NSAE-00	OCS-00	PA-00
	PM-00	PRS-00	ACE-00	P-00	SSO-00	SS-00	USSF-00
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FM AMEMBASSY MADRID

TO SECSTATE WASHDC PRIORITY 7659

NSC WASHDC PRIORITY

INFO EU MEMBER STATES COLLECTIVE PRIORITY

AMEMBASSY ALGIERS PRIORITY

AMEMBASSY DAMASCUS PRIORITY

AMEMBASSY RABAT PRIORITY

AMCONSUL BARCELONA PRIORITY

DEPT OF JUSTICE WASHDC PRIORITY

DEPT OF TREASURY WASHDC PRIORITY

FBI WASHDC PRIORITY

HOMELAND SECURITY CENTER WASHINGTON DC PRIORITY

CIA WASHDC PRIORITY

RELEASED IN PART  
B1, 1.4(D)

C O N F I D E N T I A L MADRID 003394

S/CT FOR MARC NORMAN

EUR/WE FOR ALLEGRONE, CLEMENTS, AND HALL

E.O. 12958: DECL: 09/26/2015

TAGS: PTER, PREL, SP

SUBJECT: SPANISH COURT CONVICTS AL-QA'IDA CELL LEADER

REF: A. A) MADRID 3260

B. B) MADRID 3304

C. C) MADRID 2537

D. D) MADRID 2223

E. E) MADRID 2082

Classified By: Polcouns Kathy Fitzpatrick; reason 1.4 (D).

1. (U) Spain's High Court (Audiencia Nacional) convicted Spain-based al-Qa'ida cell leader Imad Eddin Barakat Yarkas to 27 years in prison for "membership in a terrorist organization" and "conspiracy to commit terrorist acts." Seventeen of 23 indicted co-conspirators were convicted as well and sentenced to lesser prison terms. Barakat Yarkas had been in detention since November 2001 on charges of having providing support to al-Qa'ida and of having helped

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Mohamed Atta organize the 9/11 attacks against New York and Washington. Authorities also arrested and tried 23 associates of Barakat Yarkas on terrorism charges. While the High Court did allude to Barakat Yarkas' knowledge of the "sinister plans that were about to be executed (against the United States) in September 2001", the unanimous decision of the three-judge panel did not include a murder conviction against Barakat Yarkas. Prosecutors had requested a sentence of 74,337 years (25 years for each of the 2,973 victims of the 9/11 attacks, plus 12 years for membership in a terrorist organization) for Barakat Yarkas, but the verdict suggests that the judges were not convinced that there was sufficient evidence linking him to the attacks to warrant a murder conviction. Nevertheless, the prosecutors expressed "satisfaction" regarding the sentences, which brought the four-year investigation and trial to a successful conclusion.

2. (U) Of the 23 other co-defendants tried alongside Barakat Yarkas on a variety of terrorism-related charges, 17 others were convicted and sentenced to prison terms ranging from six to eleven years. Six defendants were absolved and released. Among those convicted was Al-Jazeera journalist Taysir Alony, who had been released from prison for several months because of poor health. Alony was sentenced to seven years in prison for having transported funds from Barakat Yarkas to Islamist terrorists in Afghanistan under his cover as a journalist. A full listing of the verdicts/sentences is provided in para 4.

//COMMENT//

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## //VERDICTS AND SENTENCES//

4. (U) The High Court rendered the following verdicts and sentences:

-- Imad Eddin Barakat Yarkas - 27 years (12 years for membership/leadership of a terrorist organization; 15 years for conspiracy to commit murder through terrorist activities);

-- Osama Darra - 11 years (Membership/leadership of a terrorist organization);

-- Jasem Mahboule - 11 years (Membership/leadership of a terrorist organization);

-- Abdullah Khayata Kattan - 9 years (Membership in a terrorist organization);

-- Mohamed Ghaleb Kalaye Zouaydi - 9 years (Membership in a terrorist organization);

-- Mohamed Zaher Asade - 9 years (Membership in a terrorist organization);

-- Abdelrahman Alarnot Abu-Aljer - 8 years, 6 months (Membership in a terrorist organization);

-- Mohamed Needl Acaid - 8 years, 6 months (Membership in a terrorist organization);

-- Luis Jorge Galan Gonzalez - 9 years, 6 months (Membership in a terrorist organization, possession of illegal weapons);

-- Mohamed Zaher Asade - 8 years, 6 months (Membership in a terrorist organization);

-- Said Merziak - 8 years (Membership in a terrorist organization);

-- Abdulaziz Benyaich - 8 years (Membership in a terrorist organization);

-- Mohamed Najib Chaib - 8 years (Membership in a terrorist organization);

-- Hassan al Hussein - 8 years (Membership in a terrorist organization);

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-- Said Chedadi - 8 years (Membership in a terrorist organization);

-- Kamal Hadid Chaar - 7 years (Collaboration with a terrorist organization);

-- Taysir Alony Kate - 7 years (Collaboration with a terrorist organization);

-- Jamal Hussein Hussein - 7 years (Collaboration with a terrorist organization);

-- Driss Chebli - 6 years (Collaboration with a terrorist organization);

-- Mohamed Ghaleb Kalaje Zouaydi - Acquitted;

-- Ahmad Koshaji Kelani - Acquitted;

-- Waheed Koshaji Kelani - Acquitted;

-- Sid Ahmed Boudjella - Acquitted;

-- Bassam Dalati Satut -- Acquitted;

-- Ghasoub Al Abrash Ghayoun - Acquitted (The Court found that prosecutors did not prove that video of landmarks in New York City taken by Ghayoun had been passed to al-Qa'ida or otherwise used for terrorist purposes);

Mohamed Khair el Saqqa - Acquitted.

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